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SUBJECT: LACK OF POLITICAL AGREEMENT CONTINUES TO THREATEN  
ELECTORAL LAW

REFS: A. KHARTOUM 455  
[1](#)B. KHARTOUM 830

[1](#)1. (SBU) On 2 June, Deputy Secretary General of the SPLM for the Northern Sector Yasir Arman told poloff that the 2009 elections and the 2011 referendum on independence for south Sudan are the "end game" of the CPA. "The elections are about the democratic transformation of Sudan," he said. He made it clear, however, that strict media censorship and arbitrary arrests will undermine the ability of the SPLM and other parties to compete freely and fairly against the NCP and he emphasized the need to revise the media and national security laws before elections are held.

[1](#)2. (SBU) Arman was a member of the high-level three-person SPLM team that negotiated with the NCP on the text of the draft electoral law before the remaining differences were submitted for resolution to the Presidency in mid-March. He confirmed that the two parties almost agreed to a 55 percent first-past-the-post/45 percent proportional voting scheme for candidates to the national and state assemblies (ref A). The deal was never sealed, however, because they could not agree on what level (national or state) the proportional vote and the women's vote should be held. The SPLM prefers proportional elections to take place at state level because, according to Arman, SPLM officials are better known at that level and ultimately members of Parliament should be responsible to their local constituencies.

[1](#)3. (SBU) There is a small gap to bridge in terms of NCP-SPLM differences on the draft law, said Arman. He expressed concern that if the bill does not reach the Parliament the week of 15 June, it will not be ratified in the current session. If the bill is submitted to the Parliament at the end of the session, the Presidency should use its authority to extend the current parliamentary session so that the bill can be adequately debated and ratified, he argued. [Note: The current parliamentary session ends on 30 June. The next session begins in October. End note.]

[1](#)4. (SBU) If Parliament ratifies an electoral law lacking NCP-SPLM consensus, it will be "Kenya all over again," claimed Arman. "The NCP wants to use its mechanical majority to push the law through," he said. He warned that if a law lacking consensus is ratified, it will cast a shadow of doubt over the entire 2009 electoral process. Asked whether the SPLM would boycott elections if the NCP bulldozes the electoral law through Parliament, Arman said that any decision to boycott elections would depend on many factors, but did not rule a boycott out.

[1](#)5. (SBU) Poloff asked Arman his impression of the conduct of the census in southern Sudan. Asserting that the process was not transparent, he said that until official results are released, it is difficult to tell. According to Arman, 33 percent of Sudan's population lives in the South and if the census results indicate a lower figure, the SPLM will reject them and their use in determining

a new power-sharing arrangement in the Government of National Unity elected in 2009.

¶6. (SBU) COMMENT. Arman's comments reflect the consensus SPLM suspicion that the NCP tried to manipulate the census, and the fear that the NCP will do the same with the elections. There has been no movement on the draft electoral bill since mid-March and each day that the parties do not resolve the minor differences between them, the greater the chance that the NCP parliamentary majority will seize on it and push a bill through the system without SPLM-NCP agreement on the final remaining points (ref B). If this occurs, there is no doubt that the electoral process will be off to a rocky start.

DATTA